

FILED
GREAT FALLS

2008 JUN 11 PM 1 49

PATRICK E. DUFFY, CLERK

BY _____

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

GREAT FALLS DIVISION

JOSEPH R. MARSHALL,

Plaintiff,

vs.

MIKE MAHONEY; ATTORNEY
GENERAL OF THE STATE OF
MONTANA,

Defendants.

No. CV-07-93-GF-SEH

ORDER

On May 15, 2008, United States Magistrate Judge Keith Strong entered his Findings and Recommendation¹ in this matter. Plaintiff filed objections to Judge Strong's Findings and Recommendation on May 23, 2008,² and filed a motion to amend or withdraw his Petition for Writ of Habeas Corpus on June 10, 2008.

The Court has fully considered Plaintiff's motion and has reviewed *de novo* Judge Strong's findings and recommendations. 28 U.S.C. § 636(b)(1). Upon *de novo* review of the record, I find no error in Judge Strong's Findings and Recommendation and adopt them in full.

¹ Document No. 6

² Document No. 7

ORDERED:

1. Plaintiff's Motion to Grant Leave to Amend or to Withdraw Petition for Writ of Habeas Corpus³ is DENIED.
2. Plaintiff's Petition for Writ of Habeas Corpus⁴ is DISMISSED with prejudice.
3. A certificate of appealability is DENIED as Plaintiff alleges no facts showing he was deprived of an appeal.
4. The Clerk of Court is directed to enter judgment accordingly.

DATED this 11th day of June, 2008.


SAM E. HADDON
United States District Judge

³ Document No. 8

⁴ Document No. 1